

40



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,243	10/15/2003	Gregory B. Hale	58085-010202	9388

46560 7590 02/23/2005

DONALD L. WENSKEY, ESQ.  
 C/O GREENBERG TRAURIG LLP  
 INTELLECTUAL PROPERTY DEPARTMENT  
 2450 COLORADO AVENUE, SUITE 400E  
 SANTA MONICA, CA 90404

EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
----------	--------------

2121

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/687,243

**Applicant(s)**

HALE ET AL.

**Examiner**

Ronald D Hartman Jr.

**Art Unit**

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-19 are presented for further examination, wherein claims 18-19 are newly filed and claims 1-17 have been amended.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, U.S. Patent No. 6,529,786, in view of Maeda et al., U.S. Patent No. 5,987,420.

As per claims 1, 10 and 18-19, Sim teaches a method of managing the loading of patrons of multiple attractions, in an entertainment environment, wherein patrons are permitted access to an attraction on at least two basis, the first being a first in first out basis and the second being a priority basis, established by a prior allocation of a space of the attraction (e.g. Figure 7; element 105 and 103, respectively) the method comprising:

- a means for creating priorities for patrons (e.g. C17 L30-37);
- permitting the patrons access to an attraction by permitting a request for allocation of a space on the attraction, the request being generated remote to a central computer, wherein the central computer regulates the load of the attraction, whereby available times are offered to the patrons, and a patron may then decide which of the available times the patron or patrons would prefer (e.g. Figures 2-3; C1 L10-18; C8 L5-17; C8 L42-58; C9 L29-60; C10 L52-67; C11 L1-20); and

- using an operation to provide the patrons with priorities access to the first attraction (e.g. Figure 7; elements 100-102 and C10 L52-67).

As per claims 1, 10 and 18-19, Sim does not specifically teach a hierarchy for the patrons, per se, since it appears that only a hierarchy of times for the patrons is disclosed.

Maeda et al. teaches a system similar to Sim in which an attraction time issuing system is directed towards being utilized in an entertainment venue so as to allow patrons easy access to rides by allowing a user to reserve future times for accessing an attraction so that the patron does not need to stand in a traditional FIFO (first in first out) waiting line, and Maeda et al. also discloses the use of a prior system, disclosed in Japanese Patent Publication 3-164992, in which priority ranking of individuals are used in order to process data so that tickets may be issued in an optimal order (e.g. C1 L45-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the hierarchy (e.g. priority) levels for the patrons into the system disclosed by Sim for the purpose of allowing certain individuals preferential treatment with respect to reserving ride times, and this feature would obviously benefit a reservation system which may encounter a situation wherein more than one person is attempting to select the same future time, in other words, it would provide a simple yet effective way of "breaking the tie" between two individuals who desire the same reservation time, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claim 10, Sim teaches a receiver and a selection device (e.g. Figure 1). Furthermore, although Sim does not specifically a table, per se, it is a feature that would have been obvious to one of ordinary skill in the art at the time the invention was made for the purpose of providing a simple means by which allocated times and available times may be easily organized (i.e. spreadsheet).

Art Unit: 2121

As per claim 2, Sim teaches that the reservation times are determined based on patron's requests emanating remote to the environment and patron's requests emanating at the environment (e.g. C17 L30-55).

As per claim 3, Sim teaches a facility associated with the environment (e.g. Figure 6; elements 1-5).

As per claims 4-6 and 11, Sim teaches allocating times for multiple attractions (e.g. Figures 2-3).

As per claims 7-9 and 12, Sim teaches allocating times for multiple attractions and different groups of patrons (e.g. Figures 2-3 and C17 L14-23).

As per claims 13-14, Sim teaches using RF identification means when entering an attraction (e.g. C16 L64-67).

As per claims 15 and 17, although Sim does not explicitly describe a mix ratio which equals the number of patrons using both the first and second basis, or non use of the second basis, this calculation would have been obvious to one of ordinary skill in the art at the time the invention was made since it represents capacities that affect the overall optimization of the park, and therefore, to account for these contributions would only add to the desired effectiveness of Sim, and therefore their inclusion would be equally obvious since this is the intent of Sim, that is, to provide a means by which patrons may utilize attractions within a theme park while minimizing their respective waiting times.

As per claim 16, Sim teaches allowing a patron to cancel or reschedule (e.g. C16 L38-41).

***Response to Amendment***

4. The applicant has argued that the Examiners interpretation of a hierarchy related to the patrons is incorrect and has amended the claims to clarify that the hierarchy is for the patrons and not representative of the patron's reservations. Since this amendment and further clarification of hierarchy with regards to the patrons negates the previous grounds of rejection, a further reference has been provided which discloses, albeit briefly, a ticketing system for an entertainment venue in which a priority ranking of customers is maintained and is used for providing tickets to attractions. Therefore, since this new grounds of rejections was necessitated by the applicant's amendments to the claims as well as the arguments in support thereof, this action is being made FINAL.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon. - Fri., 11:00 am - 8:30 pm EST.

Art Unit: 2121

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

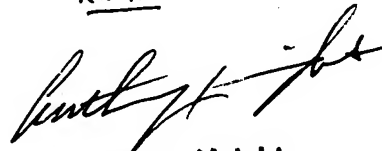
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

Art Unit 2121

x 2014

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**

\*\*\*